

**THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

EDDIE J. HAYNES,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06cv1093-WKW
)	
)	
CITY OF MONTGOMERY,)	
ALABAMA)	
)	
Defendant.)	

ANSWER

Defendant, City of Montgomery, in as Answer to Plaintiff's Complaint states unto the Court the following:

1. Admitted.
2. Admitted.
3. Defendant admits that jurisdiction is proper in this Court but denies all remaining allegations in paragraph 3 of Plaintiff's Complaint and demands strict proof thereof.
4. Defendant denies the allegations in paragraph 4 of Plaintiff's Complaint and demands strict proof thereof.
5. Admitted.
6. Defendant denies the allegations in paragraph 6 of Plaintiff's complaint and demands strict proof thereof.
7. Defendant denies the allegations in paragraph 7 of Plaintiff's Complaint and demands

strict proof thereof.

COUNT I

8 Defendant adopts and incorporates the answers and responses in paragraphs 1-7 as if fully set out herein.

9. Defendant denies the allegations in paragraph 9 of Plaintiff's Complaint and demands strict proof thereof.

10. Defendant denies the allegations in paragraph 10 of Plaintiff's Complaint and demands strict proof thereof.

11. Defendant denies the allegations in paragraph 11 of Plaintiff's Complaint and demands strict proof thereof.

12. Defendant denies the allegations in paragraph 12 of Plaintiff's Complaint and demands strict proof thereof.

Defendant denies that Plaintiff is entitled to any of the requested relief or damages.

COUNT II

13. Defendant adopts and incorporates the answers and responses in paragraphs 1-12 as if fully set out herein.

14. Defendant denies the allegations in paragraph 14 of Plaintiff's Complaint and demands strict proof thereof.

15. Defendant denies the allegations in paragraph 15 of Plaintiff's Complaint and demands strict proof thereof.

Defendant denies that Plaintiff is entitled to any of the requested relief or damages.

COUNT III

16. Defendant adopts and incorporates the answers and responses in paragraphs 1-15 as if fully set out herein.

17. Defendant denies the allegations in paragraph 17 of Plaintiff's Complaint and demand strict proof thereof.

Defendant denies that Plaintiff is entitled to any of the relief or damages requested.

COUNT IV

18. Defendant adopts and incorporates the answers and responses in paragraphs 1-17 as if fully set out herein.

19. Defendant denies the allegations in paragraph 19 of Plaintiff's Complaint and demands strict proof thereof.

Defendant denies that Plaintiff is entitled to any relief or damages requested.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendant generally denies all material allegations of the Complaint and denies that Plaintiff is entitled to any relief.

SECOND AFFIRMATIVE DEFENSE

Defendant avers that Plaintiff's Complaint and each count and cause thereof fails to state a cause of action against Defendant upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

Defendant pleads the general issue and denies any allegations not specifically denied.

FOURTH AFFIRMATIVE DEFENSE

Defendant pleads that it did not violate Plaintiff's civil rights or the Americans with

Disabilities Act.

FIFTH AFFIRMATIVE DEFENSE

Defendant pleads voluntarily resignation and/or job abandonment by Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

Defendant pleads that Plaintiff has failed to exhaust his administrative remedies.

SEVENTH AFFIRMATIVE DEFENSE

Defendant pleads that all of its actions were for a legitimate, non-discriminatory business reason for all employment decisions.

EIGHTH AFFIRMATIVE DEFENSE

Defendant pleads estoppel, waiver and laches.

RESERVATION OF RIGHTS

Defendant reserves the right to amend these affirmative defenses as discovered and allowed by the Court.

Respectfully submitted this the 2nd day of January, 2007.

/s/ Kimberly O. Fehl
Kimberly O Fehl (FEH001)

OF COUNSEL:
Legal Department
City of Montgomery
Post Office Box 1111
Montgomery, Alabama 36101-1111
(334) 241-2050
(334) 241-2310 (fax)

CERTIFICATE OF SERVICE

I hereby certify that foregoing has been served upon the following by electronic filing/notification of the United States District Court Middle District of Alabama on this 2nd day of January, 2007:

Gerald L. Miller, Esq.
REDDEN, MILLS, & CLARK
940 Financial Center
505 North 20th Street
Birmingham, AL 35203

/s/ Kimberly O. Fehl
Of Counsel